

REMARKS

This Amendment and Response is made in reply to the Office Action dated July 26, 2005, in which the Examiner:

rejected claims 1-11 under 35 U.S.C. § 112, second paragraph, as indefinite; rejected claims 1-5 and 9 under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 5,287,885 to Smith; and indicated claims 6-8, 10 and 11 would be allowable if rewritten in independent form and to overcome the indefiniteness rejections.

Applicant respectfully traverses these rejections below. Claims 1-11 were initially pending. In this Response, claim 5 has been cancelled and claims 1-4 and 6-11 have been amended, leaving claims 1-4 and 6-11 pending upon entrance of this amendment. Claims 1, 3, 6 and 10 are independent claims.

Regarding the rejection of claim 1 under 35 U.S.C. § 112, second paragraph, as indefinite, the recitation specified by the Examiner has been removed. Applicant respectfully submits that this renders the claim 1 rejection moot.

Regarding the rejection of claim 5 under 35 U.S.C. § 112, second paragraph, as indefinite, claim 5 has been cancelled. Applicant notes that where the original claim 5 recitations have been included in amended claim 3, the specified recitation has been replaced with "the lowering connection." Applicant respectfully submits that this recitation has proper antecedent basis.

Regarding the rejection of claim 10 under 35 U.S.C. § 112, second paragraph, as indefinite, the specified recitation has been replaced in the amended claim 10 with "the lifting connection." Applicant respectfully submits that this recitation has proper antecedent basis.

Applicant respectfully submits that the foregoing is fully responsive to the Examiner's 35 U.S.C. § 112, second paragraph, rejections of claims 1-11. Applicant respectfully requests these rejections be withdrawn for at least the reasons stated above.

Regarding the rejection of claim 1 under 35 U.S.C. § 102(b) as anticipated by Smith, amended claim 1 recites, in part, a driving device wherein from a first operating state, in which the motor is driven in a single-acting manner, the control valve arrangement can be switched to a second operating state, in which the motor is driven in a double-acting manner, and in both first and second operating states the control valve arrangement includes a neutral position, the lifting connection being closed when the control valve arrangement is in the neutral position.

Smith does not show or disclose the claim 1 recitations. Insofar as Smith shows or discloses a driving device with first and second operating states, Smith fails to show or disclose that in both first and second operating states the control valve arrangement provides for a neutral position, the lifting connection being closed when the control valve arrangement is in the neutral position. Instead, when solenoid-operated normally closed valve 55 in two-way valve 42 is momentarily opened to allow for smooth controlled gravity descent of arms 14, main valve 33 is bypassed and fluid is forced from lift line 40 back to return line 39. (col. 9, line 60 to col. 10 line 39) Therefore, a lowering motion of cylinder 18 will occur because of fluid being forced from lift line 40 when solenoid valve 55 is opened, regardless of the position (including neutral) of main valve 33, because the lift line 40 is always open when solenoid valve 55 is open.

As Smith fails to show or disclose the amended claim 1 recitations, Applicant respectfully requests allowance of claim 1 for at least the reasons stated above.

Regarding the rejection of claim 2 under 35 U.S.C. § 102(b) as anticipated by Smith, claim 2 depends directly from claim 1 and includes additional recitations thereto. Applicant respectfully requests allowance of claim 2 for at least the reasons stated in connection with claim 1.

Regarding the rejection of claim 3 under 35 U.S.C. § 102(b) as anticipated by Smith, amended claim 3 recites, in part, a driving device wherein the control valve arrangement includes a control valve for controlling one movement direction of the motor and a change-over valve, by which the motor can be

switched between its single-acting function and its double-acting function, and the changeover valve is connected with the lowering connection of the motor.

Smith does not show or disclose the claim 3 recitations. Specifically, Smith does not show or disclose a changeover valve that is connected with the lowering connection of the motor. Instead, Smith discloses that two-way valve 42 is connected to lift line 40. Thus, insofar as Smith's two-way valve 42 shows or discloses a changeover valve, it fails to show or disclose a changeover valve that is connected with the lowering connection of the motor.

As Smith fails to show or disclose the amended claim 3 recitations, Applicant respectfully requests allowance of claim 3 for at least the reasons stated above.

Regarding the rejection of claims 4 and 9, these claims depend directly from claim 3 and include additional recitations thereto. Applicant respectfully requests allowance of claims 4 and 9 for at least the reasons stated in connection with claim 3.

Regarding the Examiner's indication of allowable subject matter in claims 6 and 7, claim 6 has been rewritten in independent form, including the recitations of original claims 1 and 3. Claim 7 depends directly from claim 6 and includes additional recitations thereto. Accordingly, Applicant respectfully requests allowance of claims 6 and 7.

Regarding the Examiner's indication of allowable subject matter in claim 8, claim 8 depends directly from an allowable claim 3 and includes additional recitations thereto. Applicant respectfully requests allowance of claim 8 at least for the reasons stated in connection with claim 3.

Regarding the Examiner's indication of allowable subject matter in claims 10 and 11, claim 10 has been rewritten in independent form, including the recitations of original claims 1 and 3. Claim 11 depends directly from claim 10 and includes additional recitations thereto. Accordingly, Applicant respectfully requests allowance of claims 10 and 11.

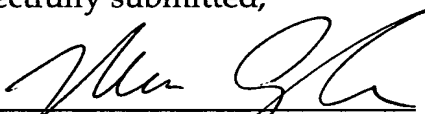
Applicant respectfully submits that nothing in the current amendment constitutes new matter. Support for the claim 1 amendments can be found at least in paragraph [0029] and FIG. 1 wherein an embodiment can be seen in which the functioning of "n" position of control valve 6 is not affected by position of changeover valve 11, lifting connection B being closed when control valve 6 is in the "n" position.

As Applicant has traversed each and every rejection made by the Examiner, it is hereby respectfully requested that the Examiner withdraw the rejections of claims 1-11, and pass claims 1-4 and 6-11 to issue.

A check is enclosed in the amount of \$200.00 for one (1) independent claim in excess of three (3). If any other fees are deemed necessary, please charge them to deposit account 13-0235.

Respectfully submitted,

By



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